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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,576	09/05/2006	Paulus Antonius Bonifatius Coebergh Van Den Braak	NL040238	7329
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,576	Applicant(s) COEBERGH VAN DEN BRAAK, PAULUS ANTONIUS
	Examiner Nnenna N. Ekpo	Art Unit 2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 June 2008 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected to because the abstract is not on a separate page.

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. **Claims 1, 2 and 11** are objected to because of the following informalities:
 - a) **On line 8 of claim 1**, delete "a" and add --said-- or --the-- before "remotely located recording device" since this is the second time remotely located recording device is being mentioned.
 - b) **On line 1 of claim 2**, delete "a" and add --said-- or --the-- before "content reproduction device" since this is not the first time content reproduction device is being mentioned.
 - c) **On line 1 of claim 11**, delete "a" and add --said-- or --the-- before "remotely located recording device" since this is not the first time remotely located recording device is being mentioned.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 15** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 15**, recites the limitation "said information" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-16 are rejected under 35 U.S.C. 101 because computer programs per se cannot be patentable.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-3, 10-15, 17 and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by Dureau et al. (U.S. Publication No. 2003/0093806).

9. Regarding **claim 1**, Dureau et al. discloses a system for remote recording of content (see fig 1), comprising:

a content reproduction device (1) which is capable of reproducing received content, has means for user input of a command (remote control) to record the content currently being reproduced, is capable of determining a content attribute comprising at least one of: a content identifier identifying the content (indication of the particular program) and a content channel identifier identifying a content channel on which the content is being transmitted, and is capable of transmitting a recording instruction (initiate recording) comprising the content attribute to a remotely located recording device (3) (see paragraph 0040 and fig 3); and

a remotely located recording device (3) which is capable of receiving said recording instruction from said content reproduction device (1), identifying a transmission channel based on said content attribute, and recording said content received on said transmission channel (see paragraph 0040 and fig 3).

Regarding **claim 2**, Dureau et al. discloses everything claimed as applied above (see *claim 1*). A content reproduction device for use in the system (see paragraph 0040, lines 1-6).

Regarding **claim 3**, Dureau et al. discloses everything claimed as applied above (see *claim 2*). The content reproduction device further capable of receiving and reproducing a sample of content currently being received by said remotely recording device (3) on said transmission channel, having means for user input of a further command for verifying (recording of the program immediately) or negating that said sample represents the content to be recorded, and further capable of communicating said further command to said remotely located recording device (3) (see cited portion, but not limited to paragraph 0040).

Regarding **claim 10**, Dureau et al. discloses everything claimed as applied above (see *claim 1*). A computer program product enabling, upon its execution, a programmable device to function as the reproduction device (see fig 3, 310, paragraph 0040, lines 1-6).

Regarding **claim 11**, Dureau et al. discloses everything claimed as applied above (see *claim 1*). A remotely located recording device for use in the system (see paragraph 0034, lines 18-23).

Regarding **claim 12**, Dureau et al. discloses everything claimed as applied above (see *claim 11*). The remotely located recording device further capable of replying to said recording instruction by communicating, to said content reproduction device (1), a

sample of content currently being received by said remotely recording device (3) on said transmission channel (see cited portion, but not limited to paragraphs 0065-0067).

Regarding **claim 13**, Dureau et al. discloses everything claimed as applied above (see *claim 11*). The remotely located recording device further capable of delaying said recording until a verifying command has been received (see cited portion, but not limited to paragraph 0040, lines 17-20).

Regarding **claim 14**, Dureau et al. discloses everything claimed as applied above (see *claim 12*). The remotely located recording device further capable of selecting a different transmission channel when a negative command is received (see cited portion, but not limited to paragraphs 0056-0057).

Regarding **claim 15**, Dureau et al. discloses everything claimed as applied above (see *claim 11*). The remotely located recording device being arranged for the reception of broadcast video programming and comprising means for interpreting said information and converting it to an instruction for recording a corresponding programming (see cited portion, but not limited to abstract, lines 1-12).

Regarding **claim 16**, Dureau et al. discloses everything claimed as applied above (see *claim 1*). A computer program product enabling, upon its execution, a

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programmable device to function as the remotely located recording device (see cited portion, but not limited to paragraph 0055).

Regarding **claim 17**, Dureau et al. discloses a method for enabling remote recording of content (see fig 1), comprising the steps of:

receiving a user-inputted command to record the content currently being reproduced on a content reproduction device (1) (see paragraph 0040, lines 1-10, fig 3);

determining a content attribute comprising at least one of: a content identifier identifying the content (indication of the particular program) and a content channel identifier identifying a content channel on which the content is being transmitted (see paragraph 0040, lines 10-15, fig 3); and

transmitting a recording instruction comprising the content attribute to a remotely located recording device (3) (see paragraph 0040, lines 13-26, fig 3).

Regarding **claim 18**, Dureau et al. discloses a method of remote recording of content (see fig 1), comprising the steps of:

receiving a recording instruction comprising a content attribute, the content attribute comprising at least one of: a content identifier identifying content (indication of the particular program) being reproduced on a content reproduction device (1) and a content channel identifier identifying a content channel on which content reproduced on a content reproduction device (1) is being transmitted (see paragraph 0040, lines 10-15, fig 3);

identifying a transmission channel based on said content attribute (see paragraph 0040, lines 10-15, fig 3); and
recording said content received on said transmission channel (see paragraph 0040, lines 13-26, fig 3).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. **Claims 4-6, 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau et al. (U.S. Publication No. 2003/0093806) as applied to *claim 2* above, and further in view of Sano et al. (U.S. Publication No. 2002/0059596).

Regarding **claim 4**, Dureau et al. discloses everything claimed as applied above (see *claim 2*). Dureau et al. discloses the content reproduction device characterized by being a television device upon which current viewing of said broadcast video programming to be recorded can be effected (see fig 3, 304, fig 1, 13) said television device comprising communication means (see fig 1, 60), said communication means being arranged to communicate with the remotely located recording device (3) (see fig 1), said television device further comprising means for identifying the currently viewed programming (see paragraph 0040), said television device further having means for user input of a command to record the currently viewed programming (see paragraph

0040), and said television device further comprising means for using said communication means communicating said information identifying said currently viewed programming to said remotely located recording device (3) (see paragraph 0040).

However, Dureau et al. fails to specifically disclose a television-enabled mobile device for recording.

Sano et al. discloses a television-enabled mobile device for recording (see paragraph 0034, lines 40-44).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dureau et al.'s invention with the above mentioned limitation as taught by Sano et al. for the advantage of using a portable device for recording.

Regarding **claim 5**, Dureau et al. and Sano et al. discloses everything claimed as applied above (*see claim 4*). Dureau et al. discloses the content reproduction device characterized in that said means for identifying the currently viewed programming is arranged to extract information regarding the currently viewed channel from teletext information embedded in said broadcast programming received by said television-device (see paragraphs 0004, 0009, lines 17-25).

Sano et al. discloses television-enabled mobile device (see paragraph 0034, lines 40-44).

Regarding **claim 6**, Dureau et al. and Sano et al. discloses everything claimed as applied above (*see claim 4*). Dureau et al. discloses the content reproduction device, characterized in that said means for identifying the currently viewed programming is arranged to extract information regarding the currently viewed channel through feature extraction and automatic feature recognition in said programming received by said television-device (see paragraphs 0089-0090).

Sano et al. discloses television-enabled mobile device (see paragraph 0034, lines 40-44).

Regarding **claim 8**, Dureau et al. and Sano et al. discloses everything claimed as applied above (*see claim 4*). Dureau et al. discloses the content reproduction device characterized in that said means for identifying the currently viewed programming is arranged to extract information regarding the currently viewed channel from information embedded in a digital transport stream comprising said broadcast programming received by said television-device (see cited portion, but not limited to paragraph 0045).

Sano et al. discloses television-enabled mobile device (see paragraph 0034, lines 40-44).

Regarding **claim 9**, Dureau et al. and Sano et al. discloses everything claimed as applied above (*see claim 4*). Dureau et al. discloses the content reproduction device characterized in that said information extracted from said transport stream further

comprises electronic service guide data and/or electronic program guide data (see paragraph 0052, lines 12-16).

12. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau et al. (U.S. Publication No. 2003/0093806) and Sano et al. (U.S. Publication No. 2002/0059596) as applied to *claim 4* above, and further in view of Rowe et al. (U.S. Patent No. 5,623,613).

Regarding **claim 7**, Dureau et al. and Sano et al. discloses everything claimed as applied above (*see claim 4*).

However, Dureau et al. and Sano et al. fail to specifically disclose means for identifying the currently viewed programming is arranged to identify said currently viewed channel through extracting and recognizing a channel logotype.

Rowe et al. discloses means for identifying the currently viewed programming is arranged to identify said currently viewed channel through extracting and recognizing a channel logotype (see col. 13, lines 57-col. 14, line 4, col. 17, lines 1-19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dureau et al. and Sano et al.'s invention with the above mentioned limitation as taught by Rowe et al. for the advantage of identifying the channel.

Citation of Pertinent Prior Art

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wagner et al. (U.S. Publication No. 2003/0066092) discloses a system and method for remotely scheduling tasks that are transmitted to a set top box.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Nnenna N. Ekpo/
Patent Examiner
November 13, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425